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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/549,333	09/13/2005	Pinchas Shalev	127/04736	6693				
44909 PRTSI P.O. Box 16446 Arlington, VA 22215	7590 01/24/2008		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">RALIS, STEPHEN J</td></tr></table>		EXAMINER		RALIS, STEPHEN J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,333

Applicant(s)

SHALEV ET AL.

Examiner

Stephen J. Ralis

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005 and 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/19/2007 and 1/04/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

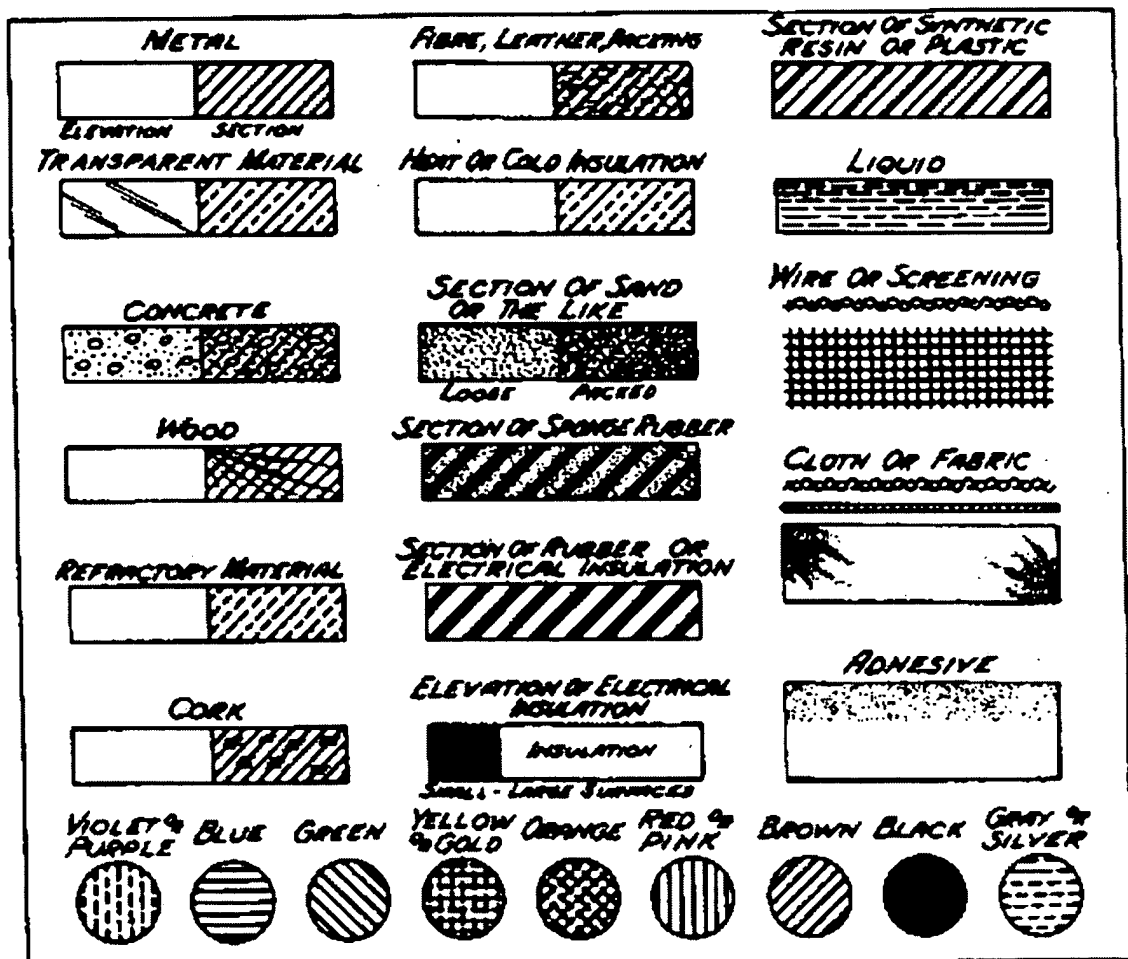
1. Applicant's claim for priority benefit of PCT Application No. PCT/IL2003/000221, filed 13 March 2003, is acknowledged.
2. With respect to the claims under examination, a preliminary amendment was filed 13 September 2005. Within this preliminary amendment, claims 5 and 6 were reversed. For customer service protocol and for the record, the preliminary amendment, filed 13 September 2005, is being examined without a non-compliant amendment notification being mailed to further expedite prosecution.

Drawings

3. The drawings are objected to because cross-section Figure 4 fails to include hatching. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following hatching symbols should be used to indicate various materials where materials in cross-section. The use of such hatching is also very helpful in making prior art searches.



Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In the instant case, the abstract is constructed as a claim. Appropriate correction is required.

Claim Objections

5. Claims 6, 8 and 9 are objected to because of the following informalities:

Claim 6, line 6: "frameand the structure" should read –frame and the structure–

Claim 8, line 2: "elementi s a wire" should read –element is a wire–.

Claim 9, line 2: "alsoi ncludes" should read –also includes–.

6. The above objections are exemplary claim objection. So as to avoid an antecedent bases issue and to provide clear and consistent language throughout the claims, it is suggested that applicant amend such recitations and find and correct *all* potential 35 U.S.C. 112, second paragraph issues outstanding. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the structure" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the frame" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the structure" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the angle" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the wire" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the plane" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the structure" in lines 3 and 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the opening" in line 5. There is insufficient antecedent basis for this limitation in the claim.

9. The claims are replete with such 35 U.S.C. 112, second paragraph issues. The above rejections are exemplary with respect to all of the 35 U.S.C. 112, second paragraph rejections present in the instant case, and the applicant is required to find and correct *all* 35 U.S.C. 112, second paragraph issues outstanding.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

11. Claims 1, 3, 8, 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson (U.S. Patent No. 2,231,219).

Peterson discloses a hair cutting head (see Figures 1-3), for use in a hair cutting apparatus and having a portion adapted for contacting an area of skin having hair, the head comprising: a) at least two rows of elongate skin depressing elements (termination ends of tubular guard member 1 creating slot 5), a space (slot 5) between the ends of the elements (either ending side of tubular guard member 1) defining an opening in the structure, the opening being adapted for placement against the skin of a person (column 2, lines 22-52; Figures 1-3; b) an elongate element (heated wire 3) situated in the opening (slot 5, see Figure 2) and capable of producing heat sufficient to cut hair, when electrified (column 2, lines 26-30); and c) a base (rear end on tubular guard member 1 connected to handle 2) on which the elements of the head are mounted, wherein long axes of the skin depressing elements are pointed generally toward the center of the opening (see Figures 1-3).

With respect to the limitations of claims 3 and 8, Peterson discloses the two or more skin depressing elements (either ending side of tubular guard member 1) being separated by a gap (slot 5) in which the elongate element (heated wire 3) is located (see Figure 2).

With respect to the limitations of claims 10 and 14, Peterson discloses a hand held hair cutting apparatus (Figure 1, 3) further including a power source (not shown; column 2, lines 26-30) that is adapted to be pressed against the skin of a user and cut hair on the skin (column 2, lines 22-52).

Peterson further discloses the heating wire (3) being supported by any suitable means (column 2, lines 26-30).

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

12. Claims 1-4, 7, 8, 10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent No. 3,093,724).

Johnson discloses a hair cutting head (Title; see Figures 1-4), for use in a hair cutting apparatus and having a portion adapted for contacting an area of skin having hair, the head comprising: a) at least two rows of elongate skin depressing elements (two sets of tapered teeth 1, 2), a space (longitudinal slot 3) between the ends of the elements (two sets of tapered teeth 1, 2) defining an opening in the structure, the opening being adapted for placement against the skin of a person (column 1-2); b) an elongate element (heated longitudinal wire blade 4) situated in the opening (longitudinal slot 3, see Figure 4) and capable of producing heat sufficient to cut hair, when electrified (column 1-2); and c) a base (rear end of connection portion the two sets of tapered teeth 1, 2) on which the elements of the head are mounted, wherein long axes of the skin depressing elements are pointed generally toward the center of the opening (see Figures 1-4).

With respect to the limitations of claim 2, Johnson discloses the long axes of the two sets of tapered teeth being less than about 20 degrees with the plane defined by the opening (see Figures 3, 4).

With respect to the limitations of claims 3 and 8, Johnson discloses the two or more skin depressing elements (two sets of tapered teeth 1, 2) being separated by a

gap (longitudinal slot 3) in which the elongate element (heated longitudinal wire blade 4) is located (see Figures 1-4).

With respect to the limitations of claims 4 and 7, Johnson discloses nuts (8') between the frame and the structure.

With respect to the limitations of claims 10 and 14, Peterson discloses a hand held hair cutting apparatus (Figure 1, 3) further including a power source (not shown; column 2, lines 7-10) that is adapted to be pressed against the skin of a user and cut hair on the skin (Title).

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

Joint Inventors – Common Ownership Presumed

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219).

Peterson discloses all of the limitations of the claimed invention, as previously set forth, except for the long axes making an angle of less than about 20 degrees with a plane defined by the opening.

Peterson discloses the tubular guard member being placed against the face with the slot (5) substantially at right angles to the skin (column 2, lines 35-37). To provide an making an angle of less than about 20 degrees with a plane defined by the opening would have been a mere engineering expediency as Peterson clearly teaches providing a slot against the face with a substantial right angle. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to make

an angle of less than about 20 degrees with a plane defined by the opening, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

17. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219) in view of Sparagi et al. (U.S. Patent No. 3,233,322).

Peterson discloses all of the limitations of the claimed invention, as previously set forth, except for a positionally adjustable frame moveably mounted on the structure; and one or more position adjuster mechanisms juxtaposed between the frame and the structure, wherein the one or more adjuster mechanisms adjusts the angle of the wire with respect to the plane of the opening.

However, a razor apparatus adjusting the exposure of the hair cutting element is known in the art. Sparagi et al., for example, teach a hair cutting apparatus comprising a knurled adjusting ring (18) being between the hair cutting head and the main body with the knurled adjusting ring (18) being rotated to select an angular position relative to indicator (20), in order to adjust the closeness of the shave by increase the tensioning and the degree of edge exposure of the cutting element (column 1, lines 39-48; column 2, lines 3-6; column 3, lines 1-14; column 4, claim 4). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peterson with the exposure adjustment of Sparagi et al. in order to provide an adjustment to select an angular position of the hair cutting element relative to the structure, thereby adjusting

the closeness of the shave by increase the tensioning and the degree of edge exposure of the cutting element.

18. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219) in view of Johnson (U.S. Patent No. 3,093,724).

Peterson discloses all of the limitations of the claimed invention, as previously set forth, except for a positionally adjustable frame moveably mounted on the structure; and one or more position adjuster mechanisms juxtaposed between the frame and the structure, wherein the one or more adjuster mechanisms adjusts the angle of the wire with respect to the plane of the opening.

However, a positionably adjustable frame moveably mounted on the structure between and one or more position adjuster mechanisms between the frame and the structure that can adjust the angle of the wire with respect to the opening is known in the art. Johnson, for example, teaches a position adjuster mechanism (nuts 8') juxtaposed between the frame and the structure (see Figures 1-3). The nuts (8') are used to adjust the longitudinal wire blade (4) up and down within the longitudinal slot (3) (column 2, lines 11-16), thereby adjusting the angle of the longitudinal wire blade (4) within the longitudinal slot (3). Johnson further teaches the advantage of such a configuration provides a mechanism to vary the singeing effect (column 1, lines 20-21), thereby increasing the versatility of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peterson with the

variable position adjuster mechanism of Johnson in order to provides a mechanism to vary the singeing effect, thereby increasing the versatility of the device

19. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219) in view of Hashimoto. (U.S. Patent No. 5,064,993).

Peterson discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for the head also including at least two mounting pins electrically connected to the elongate element and the hair cutting apparatus including matching mounting sockets, electrically connected to the source.

However, at least two mounting pins being electrically connected to the elongated element with the main apparatus including matching mounting sockets electrically connected to the source is known in the art. Hashimoto, for example, teaches a hair cutting apparatus comprising an electrical heating element (3) on at least two supporting pins (two terminals 32, 33) which extend to projecting terminals (34, 35) (column 3, lines 52-58). In addition, Hashimoto teaches a complementary mounting structure (corresponding first and second receptacles 51, 52; column 4, lines 17-34; see Figures 3A-3C, 4, 5, 6). Hashimoto further teaches the advantage of such a configuration provides a support which tautly holds the heating wire to be slidably and removably positioned within the apparatus, thereby allowing easy removal of the support in order to access the wire if such should break or need repair. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to

modify Peterson with the support and mounting pins head with corresponding apparatus receptacles in order to provide a support which tautly holds the heating wire to be slidably and removably positioned within the apparatus, thereby allowing easy removal of the support in order to access the wire if such should break or need repair.

20. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson (U.S. Patent No. 2,231,219) in view of Parker et al. (U.S. Patent No. 6,481,104).

Peterson discloses all of the limitations of the claimed invention, as previously set forth, except for a housing and also including means for vibrating the elongate element in a direction perpendicular to a long dimension thereof; and the means for vibrating being operative to vibrate the head with a motion causing said vibration of the elongate element.

However, a vibrating shaving system including a means to vibrate a shaving head in a direction perpendicular to the long dimension of the housing and the means for vibrating the head and causing the shaving head to vibrate is known in the art. Parker, et al., for example, teach vibrating shaving systems comprising a small DC motor (100) being secured within the housing (10) to channel (80) and the motor shaft (110) being secured to eccentric or off-center weight (120) to create a mechanical vibratory excursion (Δ) (Abstract; column 1, lines 40-47; column 3, lines 16-29; column 4, lines 3-6). Parker et al. further teach that such a configuration provides a reduction of friction between the cutting element and the user's skin, thereby providing a more

comfortable shaving session experience (column 2, lines 1-5, 27-28; column 4, lines 10-16). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Peterson with the means for vibrating of Parker et al. in order to provide a reduction of friction between the cutting element and the user's skin, thereby providing a more comfortable shaving session experience.

Conclusion

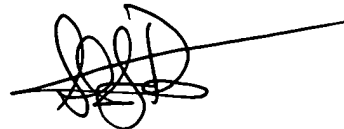
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen J Ralis
Examiner
Art Unit 3742

SJR
January 14, 2008



TU BA HOANG
SUPERVISORY PATENT EXAMINER